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FILED
 Clerk
 District Court

JAN 31 2006

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

Attorneys for Plaintiff Bernard Sikimour Phillip

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS**

| | | |
|---|---|-----------------------------------|
| BERNARD SIKIMOUR PHILLIP, |) | CIVIL CASE NO. 05-0039 |
| |) | |
| Plaintiff, |) | |
| |) | MOTION FOR PARTIAL SUMMARY |
| vs. |) | JUDGMENT |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| UNITED STATES DEPARTMENT OF |) | |
| STATE, UNITED STATES |) | Date: March 2, 2006 |
| IMMIGRATION AND CUSTOMS |) | Time: 8:30 a.m. |
| ENFORCEMENT and |) | Judge: Hon. Alex R. Munson |
| NANCY K. FINN, individually and in her |) | |
| official capacity, |) | |
| |) | |
| Defendants. |) | |

MOTION

Plaintiff, through counsel, hereby respectfully moves this Court to award him partial summary judgment in the above-captioned matter against Defendants the United States of America, United States Department of State and United States Immigration and Customs Enforcement (collectively "the government Defendants").

As more fully articulated in the accompanying Memorandum In Support Of Partial Summary Judgment there is no genuine issue of any material fact with regard to Plaintiff's status as a citizen of the United States and his right to be issued a United States passport and he is due a judgment as a matter of law on these specific issues. Mr. Phillip became a citizen of the

ORIGINAL

1 United States pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana
2 Islands in Political Union with the United States ("the Covenant"). However, despite
3 overwhelming evidence demonstrating that he is indeed a United States citizen, Mr. Phillip has
4 been continuously refused a passport.

5
6 This motion for partial summary judgment is made pursuant to Rule 56(a) of the Federal
7 Rules of Civil Procedure, and is based on the Memorandum, its attached exhibits and records on
8 file herein together with any and all arguments to be adduced at the hearing.

9
10 WHEREFORE, Plaintiff requests that this Court grant Plaintiff summary judgment as to
11 the issues of Mr. Phillip's status as a United States citizen and his entitlement to a United States
12 Passport. Specifically, Plaintiff respectfully requests that this Court declare that Mr. Phillip is a
13 United States Citizen and order the governmental Defendants to provide him with a United
14 States passport without further delay (the remaining issues in this matter to be disposed of at a
15 later date).

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18 Dated: January 31, 2006.

Respectfully submitted,

19 O'CONNOR BERMAN DOTTS & BANES
20 Attorney for Plaintiff Bernard S. Phillip

21 By: 
22 GEORGE L. HASSELBACK